

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

New York State Professional Process Servers Association, Inc.
on behalf of itself and aggrieved former and current members,
and Howard D. Clarke, and Stephen J. Boyko, Inc. d/b/a
Consolidated Claims Service, Individually, and as
Representatives for all similarly situated Process Server
Individuals and Process Serving Agencies as defined by the New
York City Administrative Code, Title 20, Chapter: 2, § 20-404,

Plaintiffs,

Against

City of New York, and Michael T. Bloomberg, Bill de Blasio,
Jonathan E. Mintz, Alba Pico, Marla Tepper, Esq., Sandford
Cohen, Esq., Nancy Schindler, Esq., Bruce Dennis, Esq., James
M. Plotkin, Esq., Nicholas J. Minella, Esq., Alvin Liu, Esq.,
Shannon Bermingham, Jordan Cohen, Esq., Philip Kimball, Esq.,
Lori Barrett, Esq., Megan Roberts, Esq., Wanda Day, Esq., Fred
R. Cantor, Esq., Allison Rene Johnson, Esq., Margarita Marsico,
Esq., David Cho, K. James, Wilfredo Lopez, Esq., Eunice
Rivera, Galina Pikulina, P. Kumar, Michele Mirro, Esq., Mitchell
B. Nisonoff, Esq., Lee Fawkes, Esq., Steven T. Kelly, Esq.,
Nancy Tumelty, Esq., Susan Kassapian, Esq., Maurice Nwikpo-
Oppong, Esq., Eryn A. DeFontes, Esq., Richard Zeitler, Jr., Esq.,
David Scott Paul, Esq., Shanet Viruet, Esq., and Judith Gould,
Esq., all Individually and in their capacities as officials and
employees of the City of New York,

Defendants.

----- x

**CITY DEFENDANTS'
NOTICE OF MOTION TO
DISMISS THE AMENDED
COMPLAINT**

14 CV 1266 (DLC) (MHD)

PLEASE TAKE NOTICE that, upon the annexed Declaration of Jasmine M. Georges, dated June 6, 2014, and the exhibits attached thereto, the Memorandum of Law, dated June 6, 2014, and upon all the papers, pleadings and proceedings heretofore had and filed herein, the undersigned will move this Court before the Honorable Denise L. Cote at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, on a date to be set by the Court, for an order pursuant to Rule 12(b)(6) of the

Federal Rules of Civil Procedure dismissing the amended complaint against City defendants¹ for failure to state a claim upon which relief can be granted, together with such other and further relief as the Court deems just, fair and equitable.

Dated: New York, New York
June 6, 2014

ZACHARY W. CARTER
Corporation Counsel of the City of New York
Attorney for City defendants
100 Church Street
New York, New York 10007
jgeorges@law.nyc.gov
(212) 356-2210

By: 
JASMINE M. GEORGES (JG5412)
Assistant Corporation Counsel

TO: BY ECF:
Tracy J. Harkins, Esq.
Attorney for Plaintiffs
48 Birch Hill Road
Mt. Sinai, New York 11766
(631) 476-3750

¹ This office represents the defendant City of New York ("City") and all of the individually named defendants except defendants Michele Mirro and Susan Kassapian. In addition, this office has not been able to confirm whether it will be representing Enrique Rivera (named in the caption as "Eunice Rivera"); however, for the same reasons that this motion to dismiss should be granted in favor of the City of New York, it likewise should be granted as to this defendant.